

NESENOFF & MILTENBERG, LLP

ATTORNEYS AT LAW

363 SEVENTH AVENUE

FIFTH FLOOR

NEW YORK, NEW YORK 10001-3904

IRA S. NESENOFF
ANDREW T. MILTENBERG

TELEPHONE (212) 736-4500
TELECOPIER (212) 736-2260

ALAN M. SHECTMAN
SHARI S. LASKOWITZ

MEGAN S. GODDARD
KIMBERLY C. LAU
MARCO A. SANTORI

OF COUNSEL

PHILIP A. BYLER
BARBARA H. TRAPASSO
ROBERT D. WERTH

PARALEGAL

ALLISON A. DUGGAN
TANYA C. SIMMONS
ROSA L. ZAPATA

September 30, 2013

By ECF & Electronic Mail

Honorable Lorna G. Schofield, United States District Judge
United States District Court - Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Sachin Shah v. Justin Lumiere, et al.,*
Index No. 13-CV-02975 (S.D.N.Y.)(LGS)

Dear Judge Schofield:

The undersigned represents the Plaintiff Sachin Shah in the above-referenced action. I write in short reply to today's letter of Mr. Knuts for Stefan Lumiere.

The letter of Mr. Knuts is a curious one. He protests too much. On the one hand, he says that the action has no merit; and yet, on the other hand, he insists that Plaintiff has not made a showing for an extension on service of Stefan Lumiere. While I certainly can make a more extensive showing justifying more time to serve and alternative service, Mr. Knuts is obviously available to have service ordered on him for his client per my September 30 letter. Once that service is made, we can proceed by the procedures of the Court and rules of law to determine the merit of the Complaint against Stefan Lumiere. It should seem strange to the Court that a named defendant in the case cannot be found for service, but that defendant has a lawyer who is appearing in Court for him.

Very truly yours,
NESENOFF & MILTENBERG, LLP

By: Philip A. Byler, Esq.
Philip A. Byler, Esq.

cc: Steven E. Mallen, Esq. (by electronic mail) - Defendant Justin Lumiere
Lawrence P. Eagle, Esq. (by electronic mail) - Defendant Lester Levy
Robert N. Knuts, Esq. (by electronic mail) - Defendant Stefan Lumiere